

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re: : Case No. 12-52092  
  
John D. Furlong : Chapter 13  
Vickie Furlong :  
  
Debtors. : Judge Caldwell

**DEBTORS' MOTION TO MODIFY POST-CONFIRMATION**

Debtors, by and through counsel, hereby move to modify their Chapter 13 plan. Debtors respectfully request that the modification be granted for reasons more fully set forth in the Memorandum below.

Respectfully submitted,

/s/ Brian D. Wood

Brian D. Wood (0075190)  
W. Mark Jump (0062837)  
Jump Legal Group, LLC  
Counsel for Debtor(s)  
2130 Arlington Ave.  
Columbus, Ohio 43221  
(614) 481-4480 phone  
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[bwood@jumplegal.com](mailto:bwood@jumplegal.com)

**MEMORANDUM IN SUPPORT**

On May 8, 2012, Debtors' Chapter 13 plan was confirmed. Pursuant to the Debtors' Chapter 13 plan, Debtors were required to make payments of \$680.00 per month for twenty five months, and then increase to \$855.83 for the remainder of the plan. The unsecured dividend is ten percent (10.00%). Debtors' plan has not previously been modified.

Debtors' plan provided that payments to CitiFinancial Servicing, LLC, Debtors' mortgage holder, were to be paid directly to CitiFinancial Servicing, LLC by the Debtors. CitiFinancial did file a Proof of Claim (See POC# 17) for arrears. Debtors have decided to surrender their residential real estate located at 7950 County Rd. 119 in West Mansfield, Ohio. With the surrender of the real estate, Debtors' plan payment shall remain \$855.83 for the remainder the plan, still paying a ten percent (10.00%) dividend to general unsecured creditors. CitiFinancial may sell its collateral pursuant to its contractual rights and applicable law, and file an Amended Proof of Claim with the bankruptcy court for any deficiency. The deficiency claim shall be paid as a Class 5 unsecured claim. There shall be no further distribution made by the Trustee on the creditor's secured claims. Debtors shall make a plan payment for the required commitment period of sixty (60) months.

The modification proposed by the Debtors will modify the rights of CitiFinancial as Debtors will be surrendering the collateral for the loan. The proposed modification will not modify the rights of any other secured claim being dealt with under the plan. The rights of the holders of unsecured claims will be modified to the extent that the time of payment of their respective claims will be extended

The proposed modified plan is attached hereto and a copy of the same, together with a copy of this Motion and Memorandum of Support has been sent to the Chapter 13 Trustee, US Trustee, and holders of all claims.

**WHEREFORE**, the Debtors pray they be permitted to amend the plan to conform to the attached amended plan pursuant to 11 USC Section 1329.

/s/ Brian D. Wood

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**AMENDMENT TO CONFIRMED CHAPTER 13 PLAN**

**Now come the Debtors herein to amend the plan to state:**

Debtors shall surrender their real estate located at 7950 County Rd 119, West Mansfield, Ohio 43358 to the lien holder, CitiFinancial Servicing, LLC. CitiFinancial may sell its collateral pursuant to its contractual rights and applicable law and file an Amended Proof of Claim with the bankruptcy court for any deficiency. The deficiency claim shall be paid as a Class 5 unsecured claim. There shall be no further distribution made by the Trustee on the creditor's secured claims. Debtors' Chapter 13 plan payments shall remain \$855.83 for the remainder the plan, still paying a ten percent (10.00%) dividend to general unsecured creditors. Debtors shall make a plan payment for the required commitment period of sixty (60) months.

**Dated: 11/11/2014**

**/s/Brian D. Wood  
Attorney for Debtors**

**Debtors' Verification**

We declare under penalty of perjury we have read the attached amendments and that they are true and correct to the best of our knowledge, information or belief.

Date: 11/8/2014

/s/John D. Furlong  
Debtor

/s/Vickie Furlong  
Debtor

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**NOTICE OF MOTION/OBJECTION**

The Debtors have filed papers with the Court to modify their plan. **Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion/objection, then on or **before twenty-one (21) days from the date set forth in the certificate of service for the motion/objection**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to 170 North High St., Columbus, OH 43215, or your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to;

W. Mark Jump, 2130 Arlington Ave, Columbus, OH 43221

Frank Pees, Chapter 13 Trustee, 130 E. Wilson Bridge Rd., Worthington, OH 43085

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion/objection and may enter an order granting that relief without further notice or hearing.

**CERTIFICATE OF SERVICE**

I hereby certify that on November 11, 2014 a copy of the foregoing Motion to Modify Plan Post-Confirmation was served on the following registered ECF participants, electronically, through the court's ECF system at the email address registered with the court or via ordinary US mail:

/s/ Brian D. Wood  
Brian D. Wood (0075190)  
W. Mark Jump (0062837)  
Jump Legal Group, LLC  
Counsel for Debtor(s)  
2130 Arlington Ave.  
Columbus, Ohio 43221  
(614) 481-4480 phone  
(877) 480-8921 fax  
[bwood@jumplegal.com](mailto:bwood@jumplegal.com)

**SERVED ELECTRONICALLY:**

Frank M. Pees, Chapter 13 Trustee

Office of the US Trustee

Edward A. Bailey, counsel for CitiFinancial Servicing, LLC

Edward Henry Cahill, counsel for CitiFinancial Servicing, LLC

Brian M. Gianangeli, counsel for Ohio Department of Taxation

Laura M. Nesbitt, counsel for Debtors

Brian D. Wood, counsel for Debtors

**SERVED VIA REGULAR MAIL:**

See Attached Creditor Matrix